

**DECLARATION OF  
STEPHEN A.  
BROOME IN SUPPORT  
OF GOOGLE,  
LLC'S OPPOSITION TO  
PLAINTIFFS'  
MOTION TO CERTIFY  
CLASS**

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*Counsel for Defendant Google LLC*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et.al*, individually and  
on behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC,  
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF STEPHEN A.  
BROOME IN SUPPORT OF GOOGLE,  
LLC’S OPPOSITION TO PLAINTIFFS’  
MOTION TO CERTIFY CLASS.**

Judge: Hon. Yvonne Gonzalez Rogers  
Date: September 20, 2022  
Time: 2:00 p.m.  
Location: Courtroom 1 – 4th Floor

1 I, Stephen A. Broome, declare as follows:

2 1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Defendant Google LLC in this matter. I am an attorney at law duly licensed to practice  
4 before all courts of the State of California and admitted to practice in the Northern District of  
5 California by this Court. I have personal knowledge of the matters set forth herein and am  
6 competent to testify.

7 **Written Discovery**

8 2. Attached as **Exhibit 1** is a true and correct copy of Plaintiff Chasom Brown's  
9 Amended Objection and Response to Defendant's First Set of Requests for Admission.

10 3. Attached as **Exhibit 2** is a true and correct copy of Plaintiff William Byatt's  
11 Amended Objections and Response to Defendant's First Set of Requests for Admission.

12 4. Attached as **Exhibit 3** is a true and correct copy of Plaintiff Christopher Castillo's  
13 Amended Objections and Response to Defendant's First Set of Requests for Admission.

14 5. Attached as **Exhibit 4** is a true and correct copy of Plaintiff Jeremy Davis'  
15 Amended Objections and Response to Defendant's First Set of Requests for Admission.

16 6. Attached as **Exhibit 5** is a true and correct copy of Plaintiff Chasom Brown's  
17 Amended Objections and Responses to Defendant's Second Set of Requests for Admission.

18 7. Attached as **Exhibit 6** is a true and correct copy of Plaintiff William Byatt's  
19 Amended Objections and Responses to Defendant's Second Set of Requests for Admission.

20 8. Attached as **Exhibit 7** is a true and correct copy of Plaintiff Christopher Castillo's  
21 Amended Objections Responses to Defendant's Second Set of Requests for Admission.

22 9. Attached as **Exhibit 8** is a true and correct copy of Plaintiff Jeremy Davis's Amended  
23 Objections and Responses to Defendant's Second Set of Requests for Admission.

24 10. Attached as **Exhibit 9** is a true and correct copy of Plaintiff Monique Trujillo's  
25 Objections and Responses to Defendant's First and Second Sets of Requests for Admission.

26 11. Attached as **Exhibit 10** is a true and correct copy of Plaintiff Chasom Brown's  
27 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

28

1           12.     Attached as **Exhibit 11** is a true and correct copy of Plaintiff William Byatt's  
2 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4 and 5.

3           13.     Attached as **Exhibit 12** is a true and correct copy of Plaintiff Christopher Castillo's  
4 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

5           14.     Attached as **Exhibit 13** is a true and correct copy of Plaintiff Jeremy Davis's Verified  
6 Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

7           15.     Attached as **Exhibit 14** is a true and correct copy of Plaintiff Monique Trujillo's  
8 Objections and Responses to Defendant's First and Second Sets of Interrogatories.

9           16.     Attached as **Exhibit 15** is a true and correct copy of Plaintiff Chasom Brown's  
10 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

11          17.     Attached as **Exhibit 16** is a true and correct copy of Plaintiff William Byatt's  
12 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

13          18.     Attached as **Exhibit 17** is a true and correct copy of Plaintiff Christopher Castillo's  
14 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

15          19.     Attached as **Exhibit 18** is a true and correct copy of Plaintiff Jeremy Davis'  
16 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

17          20.     Attached as **Exhibit 19** is a true and correct copy of Plaintiff Monique Trujillo's  
18 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

19          21.     Attached as **Exhibit 20** is a true and correct copy of Plaintiff Chasom Brown's  
20 Objections and Responses to Defendant's Third Set of Requests for Admission.

21          22.     Attached as **Exhibit 21** is a true and correct copy of Plaintiff William Byatt's  
22 Objections and Responses to Defendant's Third Set of Requests for Admission.

23          23.     Attached as **Exhibit 22** is a true and correct copy of Plaintiff Christopher Castillo's  
24 Objections and Responses to Defendant's Third Set of Requests for Admission.

25          24.     Attached as **Exhibit 23** is a true and correct copy of Plaintiff Jeremy Davis'  
26 Objections and Responses to Defendant's Third Set of Requests for Admission.

27          25.     Attached as **Exhibit 24** is a true and correct copy of Plaintiff Monique Trujillo's  
28 Objections and Responses to Defendant's Third Set of Requests for Admission.

**Deposition Transcripts and Exhibits**

26. Attached as **Exhibit 25** is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff William Byatt, taken on December 20, 2021.

27. Attached as **Exhibit 26** is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff Jeremy Davis, taken on January 7, 2022.

28. Attached as **Exhibit 27** is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff Chasom Brown, taken on January 13, 2022.

29. Attached as **Exhibit 28** is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff Christopher Castillo, taken on February 8, 2022.

30. Attached as **Exhibit 29** is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff Monique Trujillo, taken on February 11, 2022.

31. Attached as **Exhibit 30** is a true and correct copy of excerpts from the transcript of the deposition of David Nelson, taken on July 6, 2022.

32. Attached as **Exhibit 31** is a true and correct copy of excerpts from the transcript of the deposition of Mark Keegan, taken on July 15, 2022.

33. Attached as **Exhibit 32** is a true and correct copy of excerpts from the transcript of the deposition of Bruce Schneier, taken on July 18, 2022.

34. Attached as **Exhibit 33** is a true and correct copy of excerpts of the document marked as Exhibit 3 to the deposition of Bruce Schneier.

35. Attached as **Exhibit 34** is a true and correct copy of excerpts of the document marked as Exhibit 5 to the deposition of Bruce Schneier.

36. Attached as **Exhibit 35** is a true and correct copy of the document marked as Exhibit 7 to the deposition of Bruce Schneier.

37. Attached as **Exhibit 36** is a true and correct copy of excerpts from the transcript of the deposition of Jonathan Hochman, taken on July 20, 2022.

38. Attached as **Exhibit 37** is a true and correct copy of excerpts from the transcript of the deposition of Jonathan Hochman, taken on July 21, 2022.

1           39. Attached as **Exhibit 38** is a true and correct copy of excerpts from the transcript of  
2 the deposition of Michael Lasinski, taken on July 20, 2022.

3           40. Attached as **Exhibit 39** is a true and correct copy of the document marked as Exhibit  
4 15 to the deposition of Michael Lasinski.

5           41. Attached as **Exhibit 40** is a true and correct copy of excerpts from the transcript of  
6 the deposition of Steven Weisbrot, taken on August 2, 2022.

7           42. Attached as **Exhibit 41** is a true and correct copy of excerpts from the transcript of  
8 the deposition of Gregory Fair, taken on December 14, 2021.

9           43. Attached as **Exhibit 42** is a true and correct copy of excerpts from the transcript of  
10 the deposition of Rory McClelland, taken on February 18, 2022.

11       **Summary Exhibit**

12           44. Attached as **Exhibit 43** is a chart summarizing the putative class members' alleged  
13 contracts with Google during the class period.

14       **Google-Produced Documents**

15           45. Attached as **Exhibit 44** is a true and correct copy of a document produced in this  
16 litigation by Google bearing Bates numbers GOOG-BRWN-00028191 through GOOG-BRWN-  
17 00028376.

18           46. Attached as **Exhibit 45** is a true and correct copy of a document produced in this  
19 litigation by Google bearing Bates numbers GOOG-BRWN-00477546 through GOOG-BRWN-  
20 00477604.

21       **Plaintiffs' Counsel and Expert Websites**

22           47. Attached as **Exhibit 46** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates number GOOG-CABR-05877547.

24           48. Attached as **Exhibit 47** is a true and correct copy of a document produced in this  
25 litigation by Google bearing Bates number GOOG-CABR-05877548.

26           49. Attached as **Exhibit 48** is a true and correct copy of a document produced in this  
27 litigation by Google bearing Bates number GOOG-CABR-05877549.

28

1           50. Attached as **Exhibit 49** is true and correct copy of a screenshot of Hochman  
2 Consultants website page Hochman Consultants Privacy Policy, accessed by Google counsel on  
3 July 18, 2022.

4           51. Attached as **Exhibit 50** is true and correct copy of a screenshot of Keegan and Donato  
5 Consultants website home page, accessed by Google counsel on July 5, 2022.

6           **Website Privacy Policies and Other Disclosures**

7           52. Attached as **Exhibit 51** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05876958 through GOOG-CABR-  
9 05876967.

10          53. Attached as **Exhibit 52** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877056 through GOOG-CABR-  
12 05877063.

13          54. Attached as **Exhibit 53** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877083 through GOOG-CABR-  
15 05877114.

16          55. Attached as **Exhibit 54** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877154 through GOOG-CABR-  
18 05877161.

19          56. Attached as **Exhibit 55** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877162 through GOOG-CABR-  
21 05877211.

22          57. Attached as **Exhibit 56** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877244 through GOOG-CABR-  
24 05877263.

25          58. Attached as **Exhibit 57** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877264 through GOOG-CABR-  
27 05877274.

28

1           59. Attached as **Exhibit 58** is a true and correct copy of a document produced in this  
2 litigation by Google bearing Bates numbers GOOG-CABR-05877300 through GOOG-CABR-  
3 05877320.

4           60. Attached as **Exhibit 59** is a true and correct copy of a document produced in this  
5 litigation by Google bearing Bates numbers GOOG-CABR-05877321 through GOOG-CABR-  
6 05877324.

7           61. Attached as **Exhibit 60** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05877336 through GOOG-CABR-  
9 05877342.

10          62. Attached as **Exhibit 61** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877343 through GOOG-CABR-  
12 05877344.

13          63. Attached as **Exhibit 62** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877345 through GOOG-CABR-  
15 05877358.

16          64. Attached as **Exhibit 63** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877359 through GOOG-CABR-  
18 05877365.

19          65. Attached as **Exhibit 64** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877366 through GOOG-CABR-  
21 05877372.

22          66. Attached as **Exhibit 65** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877373 through GOOG-CABR-  
24 05877402.

25          67. Attached as **Exhibit 66** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877407 through GOOG-CABR-  
27 05877409.

28



1           68.     Attached as **Exhibit 67** is a true and correct copy of a document produced in this  
2 litigation by Google bearing Bates numbers GOOG-CABR-05877410 through GOOG-CABR-  
3 05877411.

4           69.     Attached as **Exhibit 68** is a true and correct copy of a document produced in this  
5 litigation by Google bearing Bates numbers GOOG-CABR-05877412 through GOOG-CABR-  
6 05877429.

7           70.     Attached as **Exhibit 69** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05877430 through GOOG-CABR-  
9 05877441.

10          71.     Attached as **Exhibit 70** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877497 through GOOG-CABR-  
12 05877498.

13          72.     Attached as **Exhibit 71** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877499 through GOOG-CABR-  
15 05877508.

16          73.     Attached as **Exhibit 72** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877509 through GOOG-CABR-  
18 05877510.

19          74.     Attached as **Exhibit 73** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877515 through GOOG-CABR-  
21 05877526.

22          75.     Attached as **Exhibit 74** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877550 through GOOG-CABR-  
24 05877552.

25          76.     Attached as **Exhibit 75** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877568 through GOOG-CABR-  
27 05877572.

28

1           77. Attached as **Exhibit 76** is a true and correct copy of a document produced in this  
2 litigation by Google bearing Bates numbers GOOG-CABR-05877578 through GOOG-CABR-  
3 05877603.

4           78. Attached as **Exhibit 77** is a true and correct copy of a document produced in this  
5 litigation by Google bearing Bates numbers GOOG-CABR-05877625 through GOOG-CABR-  
6 05877631.

7           79. Attached as **Exhibit 78** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05877633 through GOOG-CABR-  
9 05877640.

10          80. Attached as **Exhibit 79** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877662 through GOOG-CABR-  
12 05877665.

13          81. Attached as **Exhibit 80** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877678 through GOOG-CABR-  
15 05877681.

16          82. Attached as **Exhibit 81** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877689 through GOOG-CABR-  
18 05877699.

19          83. Attached as **Exhibit 82** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877700 through GOOG-CABR-  
21 05877711.

22          84. Attached as **Exhibit 83** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877712 through GOOG-CABR-  
24 05877719.

25          85. Attached as **Exhibit 84** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877720 through GOOG-CABR-  
27 05877725.

28

1           86.     Attached as **Exhibit 85** is a true and correct copy of a document produced in this  
2 litigation by Google bearing Bates numbers GOOG-CABR-05877726 through GOOG-CABR-  
3 05877775.

4           87.     Attached as **Exhibit 86** is a true and correct copy of a document produced in this  
5 litigation by Google bearing Bates numbers GOOG-CABR-05877776 through GOOG-CABR-  
6 05877780.

7           88.     Attached as **Exhibit 87** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05877781 through GOOG-CABR-  
9 05877790.

10          89.     Attached as **Exhibit 88** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877791 through GOOG-CABR-  
12 05877802.

13          90.     Attached as **Exhibit 89** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877803 through GOOG-CABR-  
15 05877812.

16          91.     Attached as **Exhibit 90** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877825 through GOOG-CABR-  
18 05877831.

19          92.     Attached as **Exhibit 91** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877852 through GOOG-CABR-  
21 05877864.

22          93.     Attached as **Exhibit 92** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877879 through GOOG-CABR-  
24 05877891.

25          94.     Attached as **Exhibit 93** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877892 through GOOG-CABR-  
27 05877894.

28

1           95. Attached as **Exhibit 94** is a true and correct copy of a document produced in this  
2 litigation by Google bearing Bates numbers GOOG-CABR-05877899 through GOOG-CABR-  
3 05877891.

4           96. Attached as **Exhibit 95** is a true and correct copy of a document produced in this  
5 litigation by Google bearing Bates numbers GOOG-CABR-05877900 through GOOG-CABR-  
6 05877901.

7           97. Attached as **Exhibit 96** is a true and correct copy of a document produced in this  
8 litigation by Google bearing Bates numbers GOOG-CABR-05877902 through GOOG-CABR-  
9 05877909.

10          98. Attached as **Exhibit 97** is a true and correct copy of a document produced in this  
11 litigation by Google bearing Bates numbers GOOG-CABR-05877910 through GOOG-CABR-  
12 05877936.

13          99. Attached as **Exhibit 98** is a true and correct copy of a document produced in this  
14 litigation by Google bearing Bates numbers GOOG-CABR-05877064 through GOOG-CABR-  
15 05877071.

16          100. Attached as **Exhibit 99** is a true and correct copy of a document produced in this  
17 litigation by Google bearing Bates numbers GOOG-CABR-05877078 through GOOG-CABR-  
18 05877082.

19          101. Attached as **Exhibit 100** is a true and correct copy of a document produced in this  
20 litigation by Google bearing Bates numbers GOOG-CABR-05877115 through GOOG-CABR-  
21 05877127.

22          102. Attached as **Exhibit 101** is a true and correct copy of a document produced in this  
23 litigation by Google bearing Bates numbers GOOG-CABR-05877128 through GOOG-CABR-  
24 05877132.

25          103. Attached as **Exhibit 102** is a true and correct copy of a document produced in this  
26 litigation by Google bearing Bates numbers GOOG-CABR-05877215 through GOOG-CABR-  
27 05877220.

28

104. Attached as **Exhibit 103** is a true and correct copy of a document produced in this litigation by Google bearing Bates number GOOG-CABR-05877469.

105. Attached as **Exhibit 104** is a true and correct copy of a document produced in this litigation by Google bearing Bates numbers GOOG-CABR-05877573 through GOOG-CABR-05877577.

#### **Public Articles**

106. Attached as **Exhibit 105** is a true and correct copy of an article available at (<https://www.consumerreports.org/privacy/what-your-web-browsers-incognito-mode-really-does-a8213975018/>) that counsel for Google accessed on August 3, 2022 and added highlighting to for the purposes of this declaration.

107. Attached as **Exhibit 106** is a true and correct copy of an article available at (<https://www.howtogeek.com/117776/htg-explains-how-private-browsing-works-and-why-it-doesnt-offer-complete-privacy/>) that counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this declaration.

108. Attached as **Exhibit 107** is a true and correct copy of an article available at (<https://www.pcmag.com/news/private-browsing-wont-protect-you-from-everything>) that counsel for Google accessed on May 23, 2022 and added highlighting to for the purposes of this declaration.

109. Attached as **Exhibit 108** is a true and correct copy of an article available at (<https://www.wired.co.uk/article/google-chrome-incognito-mode-privacy>) that counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this declaration.

110. Attached as **Exhibit 109** is a true and correct copy of an article available at (<http://america.aljazeera.com/articles/2014/9/24/private-browsing.html>) that counsel for Google accessed on August 3, 2022 and added highlighting to for the purposes of this declaration.

111. Attached as **Exhibit 110** is a true and correct copy of an article available at (<https://spreadprivacy.com/how-anonymous-is-duckduckgo/>) that counsel for Google accessed on September 15, 2021 and added highlighting to for the purposes of this declaration.

112. Attached as **Exhibit 111** is a true and correct copy of an article available at (<https://www.idropnews.com/news/privacy-matters-dont-let-google-chromes-incognito-mode->

1 [fool-you/106453/](#)) that counsel for Google accessed on August 4, 2022 and added highlighting to  
2 for the purposes of this declaration.

3 113. Attached as **Exhibit 112** is a true and correct copy of an article available at  
4 (<https://nypost.com/2018/08/22/googles-incognito-mode-isnt-as-private-as-you-thought/>) that  
5 counsel for Google accessed on September 15, 2021 and added highlighting to for the purposes of  
6 this declaration.

7 114. Attached as **Exhibit 113** is a true and correct copy of an article available at  
8 ([https://www.fastcompany.com/90311396/incognito-mode-wont-keep-you-private-try-browser-](https://www.fastcompany.com/90311396/incognito-mode-wont-keep-you-private-try-browser-compartmentalization)  
9 [compartmentalization](#)) that counsel for Google accessed on June 7, 2022 and added highlighting to  
10 for the purposes of this declaration.

11 115. Attached as **Exhibit 114** is a true and correct copy of an article available at  
12 ([https://medium.com/searchencrypt/chromes-incognito-mode-isn-t-private-so-what-s-the-point-](https://medium.com/searchencrypt/chromes-incognito-mode-isn-t-private-so-what-s-the-point-89b2f0144c27)  
13 [89b2f0144c27](#)) that counsel for Google accessed on August 4, 2022 and added highlighting to for  
14 the purposes of this declaration.

15 116. Attached as **Exhibit 115** is a true and correct copy of an article available at  
16 ([https://www.huffingtonpost.co.uk/entry/weve-got-some-bad-news-turns-out-googles-incognito-](https://www.huffingtonpost.co.uk/entry/weve-got-some-bad-news-turns-out-googles-incognito-mode-isnt-that-incognito_uk_5a142c99e4b0aa32975dbd46)  
17 [mode-isnt-that-incognito\\_uk\\_5a142c99e4b0aa32975dbd46](#)) that counsel for Google accessed on  
18 October 7, 2021 and added highlighting to for the purposes of this declaration.

19 117. Attached as **Exhibit 116** is a true and correct copy of an article available at  
20 (<https://www.wired.com/story/incognito-mode-explainer/>) that counsel for Google accessed on  
21 November 29, 2021 and added highlighting to for the purposes of this declaration.

22 118. Attached as **Exhibit 117** is a true and correct copy of an article available at  
23 ([https://www.usatoday.com/story/tech/columnist/saltzman/2018/04/23/incognito-browsing-isnt-](https://www.usatoday.com/story/tech/columnist/saltzman/2018/04/23/incognito-browsing-isnt-really-private-and-4-other-privacy-myths/537695002/)  
24 [really-private-and-4-other-privacy-myths/537695002/](#)) that counsel for Google accessed on August  
25 3, 2022 and added highlighting to for the purposes of this declaration.

26 119. Attached as **Exhibit 118** is a true and correct copy of an article available at  
27 (<https://www.trustedreviews.com/news/google-chrome-incognito-mode-3337991>) that counsel for  
28 Google accessed on May 24, 2022 and added highlighting to for the purposes of this declaration.

1           120. Attached as **Exhibit 119** is a true and correct copy of an article available at  
2 ([https://www.indy100.com/tech/google-chrome-incognito-mode-private-internet-security-](https://www.indy100.com/tech/google-chrome-incognito-mode-private-internet-security-8868576)  
3 [8868576](https://www.indy100.com/tech/google-chrome-incognito-mode-private-internet-security-8868576)) that counsel for Google accessed on August 4, 2022 and added highlighting to for the  
4 purposes of this declaration.

5           121. Attached as **Exhibit 120** is a true and correct copy of an article available at  
6 (<https://bdtechtalks.com/2019/11/21/google-chrome-incognito-private-browsing/>) that counsel for  
7 Google accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

8           122. Attached as **Exhibit 121** is a true and correct copy of an article available at  
9 (<https://www.metacompliance.com/blog/3-reasons-to-browse-the-internet-in-incognito-mode/>) that  
10 counsel for Google accessed on May 20, 2022 and added highlighting to for the purposes of this  
11 declaration.

12           123. Attached as **Exhibit 122** is a true and correct copy of an article available at  
13 (<https://www.nytimes.com/2018/04/19/technology/personaltech/browser-privacy-mode.html>) that  
14 counsel for Google accessed on August 3, 2022 and added highlighting to for the purposes of this  
15 declaration.

16           124. Attached as **Exhibit 123** is a true and correct copy of an article available at  
17 (<https://medium.com/duckduckgo-privacy-blog/incognito-28f10bb88554>) that counsel for Google  
18 accessed on August 4, 2022 and added highlighting to for the purposes of this declaration.

19           125. Attached as **Exhibit 124** is a true and correct copy of an article available at  
20 (<https://www.forbes.com/advisor/in/software/what-is-incognito-mode/>) that counsel for Google  
21 accessed on August 4, 2022 and added highlighting to for the purposes of this declaration.

22           126. Attached as **Exhibit 125** is a true and correct copy of an article available at  
23 (<https://global.factiva.com/hp/printsavews.aspx?pp=Print&hc=Publication>) that counsel for Google  
24 accessed on July 18, 2021 and added highlighting to for the purposes of this declaration.

25           127. Attached as **Exhibit 126** is a true and correct copy of an article available at  
26 ([https://www.usatoday.com/story/tech/columnist/komando/2013/02/14/kim-komando-private-](https://www.usatoday.com/story/tech/columnist/komando/2013/02/14/kim-komando-private-browsing-chrome-ebooks-software/1910085/)  
27 [browsing-chrome-ebooks-software/1910085/](https://www.usatoday.com/story/tech/columnist/komando/2013/02/14/kim-komando-private-browsing-chrome-ebooks-software/1910085/)) that counsel for Google accessed on August 3, 2022  
28 and added highlighting to for the purposes of this declaration.



1           128. Attached as **Exhibit 127** is a true and correct copy of an article available at  
2 ([https://www.washingtonpost.com/news/the-switch/wp/2013/09/05/weve-all-practically-given-up-](https://www.washingtonpost.com/news/the-switch/wp/2013/09/05/weve-all-practically-given-up-on-internet-privacy-heres-how-not-to/)  
3 [on-internet-privacy-heres-how-not-to/](https://www.washingtonpost.com/news/the-switch/wp/2013/09/05/weve-all-practically-given-up-on-internet-privacy-heres-how-not-to/)) that counsel for Google accessed on August 3, 2022 and  
4 added highlighting to for the purposes of this declaration

5           129. Attached as **Exhibit 128** is a true and correct copy of an article available at  
6 (<https://www.guidingtech.com/33828/chromes-incognito-mode-private/>) that counsel for Google  
7 accessed on October 7, 2021 and added highlighting to for the purposes of this declaration.

8           130. Attached as **Exhibit 129** is a true and correct copy of an article available at  
9 ([https://www.bustle.com/articles/184465-11-reasons-to-use-incognito-mode-when-browsing-the-](https://www.bustle.com/articles/184465-11-reasons-to-use-incognito-mode-when-browsing-the-internet-according-to-reddit)  
10 [internet-according-to-reddit](https://www.bustle.com/articles/184465-11-reasons-to-use-incognito-mode-when-browsing-the-internet-according-to-reddit)) that counsel for Google accessed on July 30, 2022 and added  
11 highlighting to for the purposes of this declaration.

12           131. Attached as **Exhibit 130** is a true and correct copy of an article available at  
13 (<https://www.theverge.com/2016/9/27/13076032/google-app-adds-incognito-mode-ios>) that  
14 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this  
15 declaration.

16           132. Attached as **Exhibit 131** is a true and correct copy of an article available at  
17 ([https://www.computerworld.com/article/3186941/you-are-not-very-incognito-in-incognito-](https://www.computerworld.com/article/3186941/you-are-not-very-incognito-in-incognito-mode.html)  
18 [mode.html](https://www.computerworld.com/article/3186941/you-are-not-very-incognito-in-incognito-mode.html)) that counsel for Google accessed on August 3, 2022 and added highlighting to for the  
19 purposes of this declaration.

20           133. Attached as **Exhibit 132** is a true and correct copy of an article available at  
21 (<https://www.thrillist.com/entertainment/nation/what-is-incognito-mode-google-chrome>) that  
22 counsel for Google accessed on May 24, 2022 and added highlighting to for the purposes of this  
23 declaration.

24           134. Attached as **Exhibit 133** is a true and correct copy of an article available at  
25 ([https://metro.co.uk/2017/11/20/google-says-chromes-incognito-mode-was-not-designed-to-let-](https://metro.co.uk/2017/11/20/google-says-chromes-incognito-mode-was-not-designed-to-let-people-secretly-watch-porn-7094117/)  
26 [people-secretly-watch-porn-7094117/](https://metro.co.uk/2017/11/20/google-says-chromes-incognito-mode-was-not-designed-to-let-people-secretly-watch-porn-7094117/)) that counsel for Google accessed on May 25, 2022 and added  
27 highlighting to for the purposes of this declaration.  
28



1           135. Attached as **Exhibit 134** is a true and correct copy of an article available at  
2 ([https://www.thesun.co.uk/tech/4954837/google-chrome-incognito-not-private-boss-employer-](https://www.thesun.co.uk/tech/4954837/google-chrome-incognito-not-private-boss-employer-school-can-see/)  
3 [school-can-see/](https://www.thesun.co.uk/tech/4954837/google-chrome-incognito-not-private-boss-employer-school-can-see/)) that counsel for Google accessed on May 25, 2022 and added highlighting to for  
4 the purposes of this declaration.

5           136. Attached as **Exhibit 135** is a true and correct copy of an article available at  
6 ([https://www.independent.co.uk/life-style/gadgets-and-tech/news/incognito-mode-chrome-safari-](https://www.independent.co.uk/life-style/gadgets-and-tech/news/incognito-mode-chrome-safari-firefox-meaning-privacy-nsfw-content-who-can-see-google-a8064876.html)  
7 [firefox-meaning-privacy-nsfw-content-who-can-see-google-a8064876.html](https://www.independent.co.uk/life-style/gadgets-and-tech/news/incognito-mode-chrome-safari-firefox-meaning-privacy-nsfw-content-who-can-see-google-a8064876.html)) that counsel for  
8 Google accessed on May 2, 2021 and added highlighting to for the purposes of this declaration.

9           137. Attached as **Exhibit 136** is a true and correct copy of an article available at  
10 ([https://www.standard.co.uk/lifestyle/london-life/google-chrome-s-incognito-mode-isn-t-100-](https://www.standard.co.uk/lifestyle/london-life/google-chrome-s-incognito-mode-isn-t-100-private-a3697146.html)  
11 [private-a3697146.html](https://www.standard.co.uk/lifestyle/london-life/google-chrome-s-incognito-mode-isn-t-100-private-a3697146.html)) that counsel for Google accessed on August 5, 2022 and added highlighting  
12 to for the purposes of this declaration.

13           138. Attached as **Exhibit 137** is a true and correct copy of an article available at  
14 ([https://www.theguardian.com/commentisfree/2018/may/27/incognito-mode-what-does-it-mean-](https://www.theguardian.com/commentisfree/2018/may/27/incognito-mode-what-does-it-mean-history-google-chrome-privacy-settings)  
15 [history-google-chrome-privacy-settings](https://www.theguardian.com/commentisfree/2018/may/27/incognito-mode-what-does-it-mean-history-google-chrome-privacy-settings)) that counsel for Google accessed on August 4, 2022 and  
16 added highlighting to for the purposes of this declaration.

17           139. Attached as **Exhibit 138** is a true and correct copy of an article available at  
18 (<https://finance.yahoo.com/news/lot-misconceptions-browsing-apos-incognito-172900804.html>)  
19 that counsel for Google accessed on May 22, 2022 and added highlighting to for the purposes of  
20 this declaration.

21           140. Attached as **Exhibit 139** is a true and correct copy of an article available at  
22 (<https://www.digitalinformationworld.com/2018/07/research-busts-popular-myths-about.html>) that  
23 counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this  
24 declaration.

25           141. Attached as **Exhibit 140** is a true and correct copy of an article available at  
26 (<https://www.thesun.co.uk/tech/7072213/google-incognito-mode-private-browsing-history/>) that  
27 counsel for Google accessed on May 25, 2022 and added highlighting to for the purposes of this  
28 declaration.

1           142. Attached as **Exhibit 141** is a true and correct copy of an article available at  
2 (<https://www.quora.com/How-anonymous-is-DuckDuckGo/answer/Gabriel-Weinberg/>) that  
3 counsel for Google accessed on June 9, 2022 and added highlighting to for the purposes of this  
4 declaration.

5           143. Attached as **Exhibit 142** is a true and correct copy of an article available at  
6 ([https://thenextweb.com/google/2018/12/05/google-reportedly-personalizes-search-results-even-](https://thenextweb.com/google/2018/12/05/google-reportedly-personalizes-search-results-even-when-youre-in-incognito-mode/)  
7 [when-youre-in-incognito-mode/](https://thenextweb.com/google/2018/12/05/google-reportedly-personalizes-search-results-even-when-youre-in-incognito-mode/)) that counsel for Google accessed on June 7, 2022 and added  
8 highlighting to for the purposes of this declaration.

9           144. Attached as **Exhibit 143** is a true and correct copy of an article available at  
10 (<https://www.techradar.com/vpn/does-google-chrome-have-its-own-vpn>) that counsel for Google  
11 accessed on June 7, 2022 and added highlighting to for the purposes of this declaration.

12           145. Attached as **Exhibit 144** is a true and correct copy of an article available at  
13 (<https://www.cosmopolitan.com/uk/entertainment/a27162618/is-google-incognito-private/>) that  
14 counsel for Google accessed on April 23, 2021 and added highlighting to for the purposes of this  
15 declaration.

16           146. Attached as **Exhibit 145** is a true and correct copy of an article available at  
17 (<https://www.wired.com/story/privacy-browsers-duckduckgo-ghostery-brave/>) that counsel for  
18 Google accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

19           147. Attached as **Exhibit 146** is a true and correct copy of an article available at  
20 ([https://www.washingtonpost.com/technology/2019/06/27/help-desk-how-fight-spies-your-](https://www.washingtonpost.com/technology/2019/06/27/help-desk-how-fight-spies-your-chrome-browser/)  
21 [chrome-browser/](https://www.washingtonpost.com/technology/2019/06/27/help-desk-how-fight-spies-your-chrome-browser/)) that counsel for Google accessed on August 3, 2022 and added highlighting to  
22 for the purposes of this declaration

23           148. Attached as **Exhibit 147** is a true and correct copy of an article available at  
24 (<https://mashable.com/article/watch-porn-anonymously-with-this-trick/>) that counsel for Google  
25 accessed on May 23, 2022 and added highlighting to for the purposes of this declaration.

26           149. Attached as **Exhibit 148** is a true and correct copy of an article available at  
27 (<https://boingboing.net/2019/12/03/what-does-incognito-mode-r.html>) that counsel for Google  
28 accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

1           150. Attached as **Exhibit 149** is a true and correct copy of an article available at  
2 (<https://www.inc.com/chris-matyszczyk/google-calls-it-private-browsing-oh-no-it-isnt.html>) that  
3 counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this  
4 declaration.

5           151. Attached as **Exhibit 150** is a true and correct copy of an article available at  
6 (<https://home.sophos.com/en-us/security-news/2019/how-private-is-private-browsing>) that counsel  
7 for Google accessed on August 3, 2022 and added highlighting to for the purposes of this  
8 declaration.

9           152. Attached as **Exhibit 151** is a true and correct copy of an article available at  
10 (<https://www.pandasecurity.com/en/mediacenter/security/incognito-mode-not-as-secure/>) that  
11 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this  
12 declaration.

13           153. Attached as **Exhibit 152** is a true and correct copy of an article available at  
14 (<https://cybernews.com/privacy/google-chrome-incognito-mode/>) that counsel for Google accessed  
15 on August 5, 2022 and added highlighting to for the purposes of this declaration.

16           154. Attached as **Exhibit 153** is a true and correct copy of an article available at  
17 ([https://www.fastcompany.com/90534809/what-private-browsing-does-and-doesnt-to-shield-you-](https://www.fastcompany.com/90534809/what-private-browsing-does-and-doesnt-to-shield-you-from-prying-eyes-online)  
18 [from-prying-eyes-online](https://www.fastcompany.com/90534809/what-private-browsing-does-and-doesnt-to-shield-you-from-prying-eyes-online)) that counsel for Google accessed on May 27, 2022 and added highlighting  
19 to for the purposes of this declaration.

20           155. Attached as **Exhibit 154** is a true and correct copy of an article available at  
21 (<https://www.keepersecurity.com/blog/2020/12/14/incognito-mode-is-it-safe-keeper-security/>) that  
22 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this  
23 declaration.

24           156. Attached as **Exhibit 155** is a true and correct copy of an article available at  
25 ([https://www.analyticsinsight.net/dont-trust-the-incognito-mode-for-online-privacy-do-this-](https://www.analyticsinsight.net/dont-trust-the-incognito-mode-for-online-privacy-do-this-instead/)  
26 [instead](https://www.analyticsinsight.net/dont-trust-the-incognito-mode-for-online-privacy-do-this-instead/)) that counsel for Google accessed on November 29, 2021 and added highlighting to for the  
27 purposes of this declaration.  
28

